

C-2149-22-I
CAUSE NO. _____**TRAVIS JOHNSON**

§

IN THE DISTRICT COURT OF*Plaintiff,*

§

v.

§

HIDALGO COUNTY, TEXAS**RAZOR USA LLC AND JOHN DOE**

§

Defendants.

§

JUDICIAL DISTRICT**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff Travis Johnson (hereinafter, "Plaintiff"), complains of Defendants Razor USA LLC and John Doe (hereinafter, "Defendants") and would respectfully show the Court that:

Discovery Control Plan

1. Plaintiff intends to conduct discovery in this matter under Level 3 of the Texas Rules of Civil Procedure.

Jurisdiction and Venue

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Hidalgo County, Texas.

Statement Regarding Monetary Relief Sought

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees and judgment for all other relief to which Plaintiff is justly entitled. Plaintiff expressly reserves the right to amend this Rule 47 statement of relief if necessary.

C-2149-22-I**Parties**

4. Plaintiff is an individual residing in Midland County, Texas.
5. Defendant Razor USA LLC is an entity engaging in business in California. The defendant may be served through their registered agent CT Corporation System at 1200 S Pine Island Road, Plantation, Florida 33324 or wherever Defendant may be found.
6. Defendant, John Doe (hereinafter “Defendant Doe”), is an individual and may be served with process at his residence. Defendant Doe is a natural person whose identity is unknown to Plaintiffs, but upon information and belief is known to Defendant Razor USA LLC. Defendant Doe will be named and then served once his identity has been revealed by Defendant.

Respondent Superior

7. Razor USA LLC is responsible for the actions of its agent under the doctrine of respondent superior. Travis Johnson was severely injured by the negligent driving of John Doe. John Doe was a Razor USA LLC employee who was acting in the scope of his employment when he committed the acts described below.

Facts

8. This lawsuit is necessary as a result of personal injuries that Plaintiff received on or about February 19, 2022. Plaintiff was walking from River Center Marriott crossing Bowie towards Denny’s. Defendant Doe, an agent under the employment of RAZOR USA LLC, was turning left onto Bowie from E Commerce. Defendant Doe drove through a protected crosswalk on Bowie where Plaintiff was crossing with his family. Defendant Doe struck Plaintiff with his vehicle while

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Plaintiff was in the crosswalk. As a result of Defendant Doe's negligence and/or negligence *per se*, Plaintiff suffered serious and permanent injuries.

9. Defendant's aforementioned conduct constitutes negligence and/or negligence *per se* for one or more of the following reasons:

- a. Failed to control vehicle's speed;
- b. Failed to operate the vehicle safely;
- c. Failed to keep a proper lookout;
- d. Failed to timely apply brakes;
- e. Failed to maintain a safe distance;
- f. Violated applicable local, state, and federal laws and/or regulations; and/or
- g. Other acts so deemed negligent.

10. Defendant John Doe was driving a vehicle - within the scope and purpose of his employment- owned by Razor USA LLC. As the owner of the vehicle driven by Defendant Doe, Defendant Razor USA LLC conduct constitutes negligent entrustment and/or negligence *per se* for one of more of the following reasons:

- a. Negligently entrusted a motor vehicle to an incompetent driver;
- b. Negligently entrusted a motor vehicle to a known reckless driver
- c. Failed to maintain the vehicle in a reasonably safe condition;
- d. Violated applicable, local, state and federal laws and/or regulations;
- e. Other acts so deemed negligent.

11. As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.

C-2149-22-I**Damages**

12. By virtue of the actions and conduct of Defendant set forth above, Plaintiff is seriously injured and is entitled to recover the following damages:

- a. Past and future medical expenses;
- b. Past and future pain, suffering and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Past lost wages and future loss of earning capacity; and
- f. Loss of use of vehicle.

13. By reason of the above, Plaintiff is entitled to recover damages from the Defendants in an amount within the jurisdictional limits of this Court, as well as pre- and post-judgment interest.

Duty to Disclose

14. Pursuant to 194, Tex. R. Civ. P. exempted by Rule 194.2(d), Defendants must, without awaiting a discovery request, provide to Plaintiff the information or material described in Rule 194.2, Rule 194.3, and Rule 194.4.

Jury Demand

15. Plaintiff hereby demands a jury trial.

Initial Disclosures

16. Pursuant to Rule 194, Tex. R. Civ. P., Defendants must, without awaiting a discovery request, provide information or materials described in Texas Rule of Civil Procedure 194.2 in

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Defendant's initial disclosure at or within 30 days after the filing of the first answer. Copies of documents and other tangible things must be served with Defendant's response.

Rule 193.7 Notice

17. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

Prayer

Plaintiff prays that this citation issue and be served upon Defendant in a form and manner prescribed by law, requiring that Defendant appear and answer, and that upon final hearing, Plaintiff has a judgment against Defendant in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post-judgment interests, all costs of Court and all such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM, PLLC

/s/ Zohra I. Mavani

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